



December 20, 2023

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**LAS VEGAS  
CITY COUNCIL**

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Mayor

BRIAN KNUDSEN  
Mayor Pro Tem

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City Manager

DEPARTMENT OF  
COMMUNITY DEVELOPMENT

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**RE: 23-0399 [MOD1,VAR1,VAR2,VAR3,VAC1,SDR1,TMP1]  
CITY COUNCIL MEETING OF DECEMBER 20, 2023**

Dear Applicant:

The City Council at a regular meeting held on *December 20, 2023* voted to **APPROVE** the following Land Use Entitlement project requests on a portion of 8.02 acres located at the northwest corner of Isaac Newton Way and Metro Academy Way (APN 138-07-401-019), PD (Planned Development) Zone, Ward 4 (Allen-Palenske).

**23-0399-MOD1** - ABEYANCE ITEM - MAJOR MODIFICATION - FROM: OS-R (OPEN SPACE AND RECREATION) TO: MLA (MEDIUM-LOW ATTACHED DENSITY) LONE MOUNTAIN SPECIAL LAND USE DESIGNATION

**23-0399-VAR1** - ABEYANCE ITEM - VARIANCE - TO ALLOW 5,678 SQUARE FEET OF OPEN SPACE WHERE 21,780 SQUARE FEET IS REQUIRED

**23-0399-VAR2** - ABEYANCE ITEM - VARIANCE - TO ALLOW A PROPOSED SEVEN-FOOT RETAINING WALL WHERE THREE FEET AND SIX INCHES IS THE MAXIMUM ALLOWED, AND AN OVERALL 13-FOOT TALL SCREEN AND RETAINING WALL HEIGHT WHERE NINE FEET AND SIX INCHES IS THE MAXIMUM ALLOWED

**23-0399-VAR3** - ABEYANCE ITEM - VARIANCE - TO ALLOW PRIVATE STREETS TO NOT MEET PUBLIC STREET STANDARDS

**23-0399-VAC1** - ABEYANCE ITEM - VACATION - PETITION TO VACATE A ROADWAY, UTILITY, ACCESS AND DRAINAGE EASEMENT

**23-0399-SDR1** - ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED 66-LOT SINGLE FAMILY, DETACHED RESIDENTIAL DEVELOPMENT

**23-0399-TMP1** - ABEYANCE ITEM - TENTATIVE MAP - CHALLENGER & ISAAC NEWTON - FOR A PROPOSED 66-LOT SINGLE FAMILY, DETACHED RESIDENTIAL SUBDIVISION

This approval is subject to the following conditions:

**23-0399 VAR1 Conditions:**

**Planning**

1. A Variance (23-0399-VAR1) is hereby approved, to allow 5,678 square feet of open space where 21,780 square feet is required.
2. Approval of a Major Modification (23-0399-MOD1) and approval of and conformance to the Conditions of Approval for a Site Development Plan Review (23-0399-SDR1), Petition to Vacate (23-0399-VAC1) and Tentative Map (23-0399-TMP1) shall be required, if approved.
3. This approval shall be void four years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**23-0399-VAR2 Conditions:**

**Planning**

1. A Variance (23-0399-VAR2) is hereby approved, to allow a proposed seven-foot tall retaining wall where three feet and six inches is the maximum allowed, and an overall 13-foot tall screen and retaining wall height where nine feet and six inches is the maximum allowed.
2. Approval of a Major Modification (23-0399-MOD1) and approval of and conformance to the Conditions of Approval for a Site Development Plan Review (23-0399-SDR1), Petition to Vacate (23-0399-VAC1) and Tentative Map (23-0399-TMP1) shall be required, if approved.
3. This approval shall be void four years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.

5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein

**23-0399-VAR3 Conditions:**

**Planning**

1. A Variance (23-0399-VAR3) is hereby approved, to allow private streets to not meet public street standards.
2. Approval of a Major Modification (23-0399-MOD1) and approval of and conformance to the Conditions of Approval for a Site Development Plan Review (23-0399-SDR1), Petition to Vacate (23-0399-VAC1) and Tentative Map (23-0399-TMP1) shall be required, if approved.
3. This approval shall be void four years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.6.All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**23-0399-VAC1 Conditions:**

**Planning**

1. The limits of this Petition of Vacation shall be the unused U.S. Government Patent Easements located north of Isaac Newton, on the western boundary of Assessor Parcel Number 138-07-401-019.
2. This Order of Relinquishment of Interest shall record immediately prior to and concurrent with a mapping action that subdivides this site.
3. All public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Relinquishment of Interest.

4. The Order of Relinquishment of Interest shall not be recorded until all of the conditions of approval have been met provided, however, the conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with Title 19. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.

**23-0399-SDR1 Conditions:**

**Planning**

1. Approval of a Major Modification (23-0399-MOD1) and approval of and conformance to the Conditions of Approval for a Petition to Vacate (23-0399-VAC1), Variance (23-0299-VAR1), Variance (23-0399-VAR2), Variance (23-0399-VAR3), and Tentative Map (23-0399-TMP1) shall be required, if approved.
2. This approval shall be void four years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan and landscape plan, date stamped 08/24/23, and building elevations, date stamped 09/19/23, except as amended by conditions herein.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. The standards for this development shall include a Minimum lot size of 3,452 square feet and Building height shall not exceed two stories or 25 feet, whichever is less.
7. The setbacks for this development shall include a 20-foot front yard setback, five-foot side yard setback, 10-foot corner side yard setback, and 15-foot rear setback.

8. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time as Final Map submittal. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.
9. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

### **Public Works**

10. In accordance with Section 2.2 of the City's Vision Zero Action Plan, the sidewalk adjacent to this site shall meet Public Right-of-Way Accessibility Guidelines (PROWAG) in accordance with code requirements of Title 13.56.040 to the satisfaction of the City Engineer concurrent with development of this site. Grant any Pedestrian Access Easement needed to complete this requirement.
11. Landscape and maintain all unimproved right-of-way adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
12. An update to the previously approved Master Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or the submittal of any construction drawings, whichever may occur first. Comply with the recommendations of the approved update to the Traffic Impact Analysis prior to occupancy of the site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development.
13. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

### **Fire & Rescue**

14. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

15. Applicant shall install an approved fire sprinkler system in all buildings in accordance with IFC Section 903 as amended. System(s) shall be installed by a licensed Nevada fire sprinkler Contractor.
16. Minimum fire flow requirements shall be in accordance with CLV Ordinance & IFC Appendix B based on type of construction, required fire protection systems and similar.

**23-0399 TMP1 Added Conditions:**

**Planning**

1. Approval of the Tentative Map shall be for no more than four (4) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within four (4) years of the approval of the Tentative Map, this action is void.
2. Approval of a Major Modification (23-0399-MOD1) and approval of and conformance to the Conditions of Approval for a Petition to Vacate (23-0399-VAC1), Variance (23-0299-VAR1), Variance (23-0399-VAR2), Variance (23-0399-VAR3), and Site Development Plan Review (23-0399-SDR1) shall be required, if approved.
3. Street names must be provided in accordance with the City's Street Naming Regulations.
4. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
5. In conjunction with creation, declaration and recordation of the subject common-interest community, and prior to recordation of the Covenants, Codes and Restrictions ("CC&R"), or conveyance of any unit within the community, the Developer is required to record a Declaration of Private Maintenance Requirements ("DPMR") as a covenant on all associated properties, and on behalf of all current and future property owners. The DPMR is to include a listing of all privately owned and/or maintained infrastructure improvements, along with assignment of maintenance responsibility for each to the common interest community or the respective individual property owners, and is to provide a brief description of the required level of maintenance for privately maintained components. The DPMR must be reviewed and approved by the City of Las Vegas Department of Field Operations prior to recordation, and must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. Also, the CC&R are to include a statement of obligation of compliance with the DPMR. Following recordation, the Developer is to submit copies of the recorded DPMR and CC&R documents to the City of Las Vegas Department of Field Operations.

6. All development is subject to the conditions of City Departments and State Subdivision Statutes.
7. Developer agrees to contribute a dollar amount acceptable to the City Manager, for the City's purchasing and constructing of park improvements within Police Memorial Park located in close proximity to the subject site (APN: 138-07-401-017). The developer shall enter into a contribution agreement with the City of Las Vegas to facilitate the contribution, subject to the approval of the City Attorney. The contribution agreement shall be executed prior to the recordation of a Final Map. The City Manager is hereby authorized to execute the contribution agreement.
8. Community open space is defined as any improved public recreational facility or grounds including but not limited to: park areas provided for passive recreation including gardens, walking areas, picnic areas. Linear open space connections were developed to provide pedestrian and bicycle linkages between village centers, neighborhood focuses, parks and residential areas. These connections can make dual use of preserved natural drainage, new drainage ways and utility easements.
9. The applicant has intention, based upon their calculations on the plan, to include a required landscape buffer, as well as small common lots as community open space. That fails to meet the definition above.

**Public Works**

7. Private streets must be granted and labeled on the Final Map for this site as Public Utility Easements (P.U.E.), Public Sewer Easements, and Public Drainage Easements to be privately maintained by the Homeowner's Association. Additionally, grant a minimum 20-foot wide Public Sewer and Drainage Easement to be privately maintained for the public sewer and drainage facilities within Common Element "B".
8. No walls, signs, lights, parking area, buildings or other structures, or permanent landscaping having a mature height of greater than 3-feet shall be placed anywhere in any easement or in the vehicle ingress or egress pathways to easements.
9. A working sanitary sewer connection shall be in place prior to final inspection of any units within this development. Full permanent improvements on all major access streets, including all required landscaped areas between the perimeter wall and adjacent public street, shall be constructed and accepted by the City prior to issuance of any building permits beyond 50% of all units within this development. All off-site improvements adjacent to this site, including all required landscaped areas between the perimeter walls and adjacent public streets, shall be constructed and accepted prior to issuance of building permits beyond 75%. The above thresholds notwithstanding, all required improvements shall be constructed in accordance with Title 19.02.130.

10. As per Unified Development Code (UDC) 19.16.060.G, all requirements must be complied with or such future compliance must be guaranteed by an approved performance security method in accordance with UDC sections 19.02.130.
11. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. A deviation from standards for non-standard street termini hereby approved. No other deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

**Fire & Rescue**

12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

The Notice of Final Action was filed with the Las Vegas City Clerk on December 20, 2023.

Sincerely,



Seth T. Floyd  
Director of Community Development

STF:PL:jr

cc:

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